

## AMENDMENTS TO THE CLAIMS

The following listing of claims will replace all prior versions, and listing of claims in the application:

### LISTING OF CLAIMS:

1. (Currently Amended) A positioning structure of a beach umbrella ~~having~~  
comprising:

a shaft including an upper tube and a lower tube, ~~both with~~ said upper and  
lower tubes each having several interval positioned apertures thereon; [[, ]]

a positioning apparatus connecting said upper and lower ~~being provided to~~  
~~connect the two tubes together, which has~~ said positioning apparatus including a  
flat plate and a joint with a spring on a side thereof,

~~a joint with a spring on one side to connect with~~  
said spring providing an elastic force;

a handle pivotally connected to said positioning apparatus and being biased  
by said spring; and to provide elastic force for pushing

a rod coupled to on a top of the handle into and biased to extend into a  
central hole of the positioning apparatus; [[,]]

and the upper tube and the lower tube being ~~then~~ received in the central  
hole of the positioning apparatus,

the rod penetrating ~~one aperture and a relating~~ apertures of both said upper and lower tubes and being positioned at ~~the~~ a certain position in ~~secure~~ securement therewith.

2. (Currently Amended) A positioning structure of a beach umbrella as claimed in claim 1, wherein the rod on the handle can select different apertures on ~~the~~ said upper and lower tube of the shaft to determine the height of the umbrella.
3. (Original) A positioning structure of a beach umbrella as claimed in claim 1, wherein the lower tube of the shaft can be inserted into ground by foot force acting on the flat plate firmly.
4. (Canceled)